

REMARKS

The last Office Action of April 6, 2009 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-15 are pending in the application. Claim 7 has been amended. Claims 1, 3-6 have been canceled. No amendment to the specification has been made. No fee is due.

It is noted with appreciation that claims 2, 8-15 are allowed and that claims 3-7 are indicated allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims.

CLAIM REJECTIONS - 35 U.S.C. §102

Claim 1 stands rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Pat. No. 5,355,121 to Naito.

Applicant has canceled original claim 1 in favor of claim 7, which has been rewritten in independent form to include only those limitations of originally filed claim 7. Accordingly, applicant asserts that claim 7 has not been narrowed to trigger prosecution history estoppel. See *Salazar v. Procter & Gamble Co.*, 75 USPQ2d, 1369 (stating that introducing claim 7 based on the allowable subject matter of dependent claim 3 of the "149 application was not a narrowing amendment for purposes of patentability and, therefore, does not by itself give rise to prosecution history estoppel).

Claims 3-6 have now been canceled.

Withdrawal of the rejection under 35 U.S.C. §102(b) is thus respectfully requested.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate conditions for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

By: 

Henry M. Feiereisen
Agent For Applicant
Reg. No: 31,084

Date: July 6, 2009
708 Third Avenue
Suite 1501
New York, N.Y. 10017
(212)244-5500
HMF/RL:af